



To: Planning Committee **Date:** March 1, 2002
From: David Weber **File:** 0105-06-03
 Manager, Legislative Services
Re: **Statutory Notification Process on Land Use Applications**

Staff Recommendation

That the 50 metre notification radius for Public Hearings and Development Permit Panel meetings be re-affirmed.

David Weber
Manager, Legislative Services

Att. 3

FOR ORIGINATING DIVISION USE ONLY		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
City Clerk	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Development Applications.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Policy Planning	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Zoning	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	

Staff Report

Origin

In 2001, the Development Permit Panel requested that staff review the statutory notification process, including a re-examination of the notification radius for Development Permits considered by the Development Permit Panel and land use bylaws considered by Council at Public Hearings, and to present the findings to the Planning Committee. The issue originated from a concern raised by strata owners at Parker Place Mall that the standard 50-metre notification area was not adequate for the Aberdeen Centre Development Permit. A letter was also received from Parker Place registering this concern with Council. In addition, a few complaints had been received over the last couple of years indicating some dissatisfaction with the current notification process, in particular, the 50-metre radius rule.

Findings Of Fact

The City, in accordance with the Local Government Act, the Zoning and Development Bylaw and the Development Permit Procedure Bylaw, has established procedures to inform the public about meetings where Zoning Amendment Bylaws, OCP Amendment Bylaws, Development Permits and Development Variance Permits are to be considered. The public is advised of such meetings through written notices that are mailed to owners and occupiers of property within a 50 metre radius of a subject site. For Public Hearings, municipalities are also required by law to advertise in two consecutive issues of a local newspaper between 3 and 10 days prior to the meeting date (**see attachment 1**).

The written notices inform recipients *generally* about the Zoning or OCP bylaw or the DP or DVP that is to be considered (**see attachment 2**). Information includes the name of the applicant, the address of the subject property, the intent or purpose of the bylaw or permit, the date, time and place of the meeting, and a City staff contact for further information.

In addition to these written notices, the public is also notified of proposed development and proposed changes to Zoning or OCP designations through the placement of signs on the subject property (**see attachment 3**). These signs must be placed on the property in accordance with the Zoning Bylaw and the Development Permit Procedure Bylaw prior to the processing of the applications. These signs must remain on the property until the conclusion of the rezoning or development permit process.

Although the Local Government Act does not specify how large the notification area must be for Public Hearings, the Act does state that the distance must be specified locally by bylaw. The City established a notification radius of 50 metres in the Zoning and Development Bylaw and applied the same rule for DPs and DVPs in the Development Permit Procedure Bylaw.

Statistics show that:

- **15,350** notices were mailed out in 2001 (based on the 50-metre notification radius);
- **325** public delegations and written submissions were received at Public Hearings and Development Permit Panel meetings in 2001 (*a petition was counted as one submission*);
- **\$48,247** was the total estimated cost to the City in 2001 for the advertising and notices for Public Hearings and Development Permit Panel meetings; and
- **\$148** was the cost to the City *per public delegation or written submission* received at Public Hearings and Development Permit Panel meetings in 2001.

The results of a survey of other GVRD municipalities indicate that notification areas vary somewhat from municipality to municipality. As shown in the following table, Richmond falls roughly in the middle of those surveyed.

Jurisdiction	General Notification Area Rule (for Public Hearings and Development Permit Panel Meetings)
Richmond	50 m
Burnaby	30 m
Delta	50 m
New Westminster	30 m
North Vancouver	40 m
Surrey	Varies: Zoning and OCP bylaws – 100 m DVPs – 15 m DPs – No notifications
Vancouver	Varies: Zoning and OCP bylaws - 2 city blocks in all directions DPs and DVPs - 1 city block in all directions

Analysis

At the heart of the issue is whether the City is doing enough to solicit and encourage public input at Public Hearings and at meetings of the Development Permit Panel. It should be stated at the outset that public input is very valuable in terms of shaping decisions that affect the community and, indeed, public consultation is a cornerstone of the democratic process, and a concept that local governments, in particular, hold very dear. At that general level, one would naturally conclude that anything the City could do to encourage public input through an expansion of the notification process would be generally beneficial and should therefore be pursued. However, as there are more than nominal costs associated with an expanded public notification process (see below), the benefits of an increased level of service must be weighed against the cost.

Notification radius: 50 versus 100 metres

The suggestion has been made that the City should consider expanding the notification radius from 50 to 100 metres “across the board.” This would result in about an 80% increase in the number of households receiving written notices (In 2001, 27,629 notices would have been mailed out instead of 15,350). Although 50 metres is not a *great* distance, it is not atypical when compared to the notification practices established by other GVRD municipalities. One noteworthy point that came from the phone survey was that regardless of the size of the notification radius – 50 or 100 metres - there would likely always be people located just outside of the notification area who felt that they should have received a written notice. The point being that the notification radius will often come under criticism when considered in the context of a specific contentious situation.

Another consideration in expanding the notification area is whether the increase would generally bring forward any new issues. In other words, would the neighbours and owners located 50 to 100 metres away from a subject site likely have concerns with a proposal above and beyond the issues already brought forward by immediate neighbours and owners that are adjacent to subject sites and within 50 metres? Certainly anyone is permitted to have their say in the matter, regardless of how far away they are from a subject site, although the majority of oral and written submissions that are received come from the people immediately surrounding a particular site. It would stand to reason that the further one is away from a subject site, the less likely one is to be concerned with a given proposal. Nevertheless, if it is felt that the current level of public input is not sufficient to draw out all the neighbourhood concerns, then an increase would in fact be warranted.

Increased number of notices versus newspaper advertising

Currently, only Public Hearings are advertised in local newspapers in order to meet the minimum requirements of the Local Government Act. As an alternative to increasing the number of notices across the board, the City could start advertising Development Permit Panel meetings in the same manner as Public Hearings. The local newspapers claim a circulation of more than 45,000 papers which means that notice of a DPP meeting could potentially reach far more people than increasing the size of the notification area. Depending on where the subject site is located, increasing the notification radius to 100 metres could result in a very limited number of new notices. The notification via newspaper ad would not be as direct or personalized, but advertising may, in fact, be a more effective vehicle for notifying a greater segment of the public.

There would be significant new advertising costs associated with this option, especially given that there are two Development Permit Panel meetings per month as opposed to only one monthly Public Hearing. It is also possible that the introduction of advertising requirements could impede the development permit process somewhat since the deadlines required for publication in the newspaper would force the agenda to be finalized earlier than it is currently, forcing applications forward to future meetings more often than they would be otherwise.

Increasing the notification radius on an “as-needed” basis

Council and staff have the discretion to increase the notification regarding a particular Public Hearing or DPP item on an “as needed basis.” Often, Council and/or staff can predict whether a given proposal will draw more or less attention from the public. This may be based on a number of factors: staff may have received an inordinate number of public inquiries following the placement of the required signage on a subject site; a large number of oral or written submissions may have been received at Planning Committee (for items going forward to Public Hearing); the very nature of a particular proposal may represent a significant departure from previous kinds of proposals in a given area; or a proposal may have the potential to affect a great number of people. If any of these scenarios present themselves, it may be appropriate for staff to recommend to Council, or Council can direct staff, to increase the public notification above the regular distribution.

A drawback to this approach is that it might be difficult to consistently predict which proposals would merit wider notification and the public might even perceive a bias on the part of the City in the choice to undertake a wider distribution or not.

Financial Impact

	Postage	Advertising Costs	Supplies	Staff Time Costs	Total Costs
<p>Current Level of Service</p> <ul style="list-style-type: none"> • Advertise Public Hearings only • 50 m notice area for Public Hearings • 50 m notice area for DPP meetings 	\$7,719	\$21,881	\$388	\$18,259	\$48,247
<p>Option A – Increase notification area on an as-needed basis</p> <ul style="list-style-type: none"> • Advertise Public Hearings only • 50 m notice area for Public Hearings • 50 m notice area for DPP meetings • Larger notice area applied to controversial development permits and zoning/OCP changes or where proposed changes represent a departure from existing policy 	Marginal increases in costs over and above current level of service noted above – absorbable into current budget levels				\$48,247

	Postage	Advertising Costs	Supplies	Staff Time Costs	Total Costs
Option B – Increase to 100 metres “across the board” <ul style="list-style-type: none"> • Advertise Public Hearings only • 100 m notice area for Public Hearings • 100 m notice area for DPP meetings 	\$13,895	\$21,881	\$700	\$29,380	\$65,856 <i>(Increase of: \$17,609 annually)</i>
Option C – Advertise DPP <ul style="list-style-type: none"> • Advertise DPP meetings as well as Public Hearings • 50 m notice area for Public Hearings • 50 m notice area for Development Permit Panel meetings 	\$7,719	\$42,481	\$388	\$25,775	\$76,363 <i>(Increase of: \$28,116 annually)</i>
Option D – Increase to 100 metres across the board and Advertise DPP <ul style="list-style-type: none"> • 100 m notice area for Public Hearings • 100 m notice area for DPP meetings • Advertise DPP meetings as well as Public Hearings 	\$13,895	\$42,481	\$700	\$38,096	\$95,172 <i>(Increase of: \$46,925 annually)</i>

Note: All calculations are based on the number of written notices and actual advertising costs associated with Public Hearings and Development Permit Panel meetings in 2001. The 80% projected increase associated with a 100-metre notification area is based on statistics from January to June, 2001.

Conclusion

Based on the options discussed above, and the statistics which suggest diminishing marginal returns in terms of spending significantly more money to solicit public input, staff recommend that Council endorse “Option A”- increasing the notification radius on an *as-needed basis*. This option not only recognizes the City’s current budgetary challenges, but it also allows staff to focus their efforts where there is likely to be a positive and beneficial result. This option does not require amendments to the Zoning and Development Bylaw nor to the Development Permit Procedure Bylaw.



David Weber
 Manager, Legislative Services

Att: 3



CITY OF RICHMOND NOTICE OF PUBLIC HEARING

Monday, November 19, 2001 - 7 p.m.,
Council Chambers, 1st Floor, Richmond City Hall,
6911 No. 3 Road, Richmond, B.C. V6Y 2C1

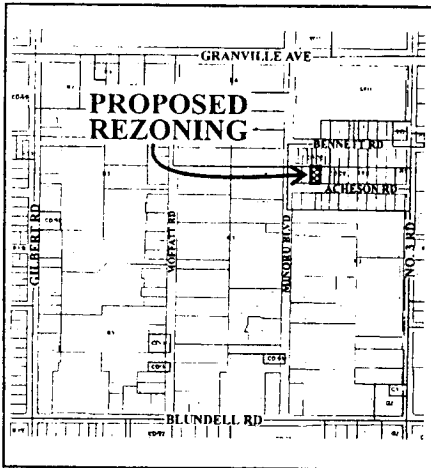
0190-02

TAKE NOTICE that the Council of the City of Richmond will hold a Public Hearing as noted above, on the following items:

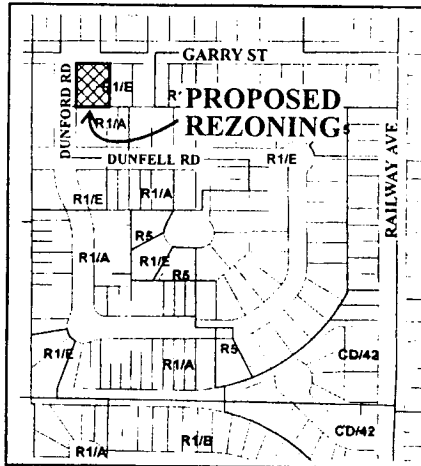
1 ZONING AMENDMENT BYLAW 7283 (RZ 01-191809)

Location/s: 7591 Acheson Road
Applicant/s: Ericon Contracting Co. Ltd.,
on behalf of Ji and Ji Sui Yao
Purpose: To rezone the subject property from
Single-Family Housing District, Subdivision Area E
(R1/E) to Single-Family Housing District,
Subdivision Area A (R1/A), to permit subdivision of
the subject property into two single-family lots.
City Contact: 604-276-4228, Suzanne
Carter-Huffman, Urban Development Division

BYLAW 7283



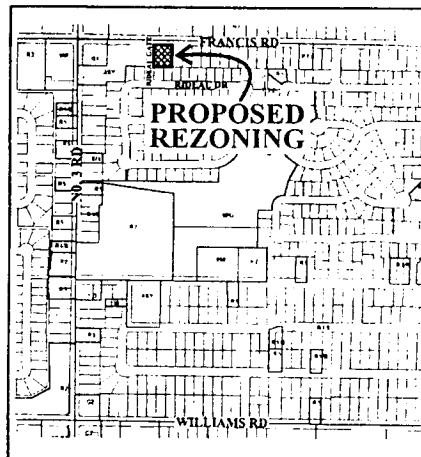
BYLAW 7287



3 ZONING AMENDMENT BYLAW 7289 (RZ 01-190134)

Locations/s: 8160 and 8180 Francis Road
Applicant/s: Rocky Sethi
Purpose: To rezone the subject properties from
Single Family Housing District, Subdivision Area E
(R1/E) to Single Family Housing District,
Subdivision Area K (R1/K) in order to permit subdivi-
sion into four single family lots.
City Contact: 604-276-4212, Jenny Beran,
Urban Development Division

BYLAW 7289



2 ZONING AMENDMENT BYLAW 7287 (RZ 01-188615)

Locations/s: 4520 Garry Street (Formerly 11720
Dunford Road) and 11740 Dunford Road
Applicant/s: Elegant Development Inc. and Harry &
Louise Nelson
Purpose: To rezone the subject properties from
Single-Family Housing District, Subdivision Area E
(R1/E) to Single-Family Housing District,
Subdivision Area A (R1/A), in order to permit devel-
opment of four single family lots.
City Contact: 604-276-4200, David Brownlee,
Urban Development Division

INFORMATION ON PROCEDURE

Persons who believe that their interest in property is affected by the proposed bylaw may make an oral presentation, or submit written comments at this Public Hearing. If you are unable to attend, you may send your written submission to the City Clerk's Office by 4 p.m. on the date of the Public Hearing. All submissions will form part of the record of the hearing.

Further information may be obtained from the CITY CONTACT identified above. A copy of the proposed Bylaw, supporting staff and Committee reports and other background material may be inspected at the Urban Development Division, between the hours of 8:15 a.m. and 5 p.m., Monday through Friday, except statutory holidays, commencing November 9, 2001 and ending November 15, 2001, or upon the conclusion of the hearing. **No further information or submissions can be considered by Council after the conclusion of the Public Hearing.**

It should be noted that the rezoned property may be used for any or all of the uses permitted in the "new" zone.

J. Richard McKenna
City Clerk



City of Richmond

Notice of Public Hearing

Monday, January 21, 2002 – 7 pm

**Council Chambers, 1st Floor
Richmond City Hall
6911 No. 3 Road
Richmond, BC V6Y 2C1**

Zoning Amendment Bylaw 7304 (RZ 01-191442)

Location/s: 7060, 7140, 7180, 7220, and 7240 Garden City Road and 7055, 7071, 7091, and 7111 Heather Street

Applicant/s: Polygon Leighton Court Ltd.

Purpose: To rezone the subject properties from Single-Family Housing District, Subdivision Area F (R1/F) to Comprehensive Development District (CD/128), to permit development of approximately 94 townhouses.

City Contact: (604) 276-4228, Suzanne Carter-Huffman, Urban Development Division

Information on Procedure

Persons who believe that their interest in property is affected by the proposed bylaw may make an oral presentation, or submit written comments at this Public Hearing. If you are unable to attend, you may send your written submission to the City Clerk's Office by 4 pm on the date of the Public Hearing. All submissions will form part of the record of the hearing.

Further information may be obtained from the CITY CONTACT telephone number shown above. A copy of the proposed bylaw, supporting staff and committee reports and other background material may be inspected at the Urban Development Division, between the hours of 8:15 am and 5 pm, Monday through Friday, except statutory holidays, commencing January 11, 2002, and ending January 21, 2002, or upon the conclusion of the hearing.

No further information or submissions can be considered by Council after the conclusion of the Public Hearing.

It should be noted that the rezoned properties may be used for any or all of the uses permitted in the "new" zone.

J. Richard McKenna
City Clerk



CITY OF RICHMOND

6911 No. 3 Road
Richmond, B.C. V6Y 2C1
Phone: 276-4007
Fax: 278-5139

NOTICE OF APPLICATION FOR A DEVELOPMENT PERMIT DP 01-188833

APPLICANT: Platinum Management Inc.

PROPERTY LOCATION: 6731 and 6751 Cooney Road

INTENT OF PERMIT:

1. To allow the construction of nine townhouse units on a site zoned Comprehensive Development District (CD/121), and that would
2. Vary the provisions of the *Zoning and Development Bylaw* to:
 - reduce the width of parking drive-aisles from 7.5 m (24.606 ft.) to 6.7 m (22 ft.), and
 - reduce the street setbacks from 4.5 m (14.764 ft.) to 2 m (6.562 ft.) for porches with columns, and to 0 for entry feature/trellises.

The Richmond Development Permit Panel will meet to consider oral and written submissions on the proposed development noted above, on:

Date: Wednesday, October 24, 2001
Time: 3:30 p.m.
Place: Council Chambers, Richmond City Hall

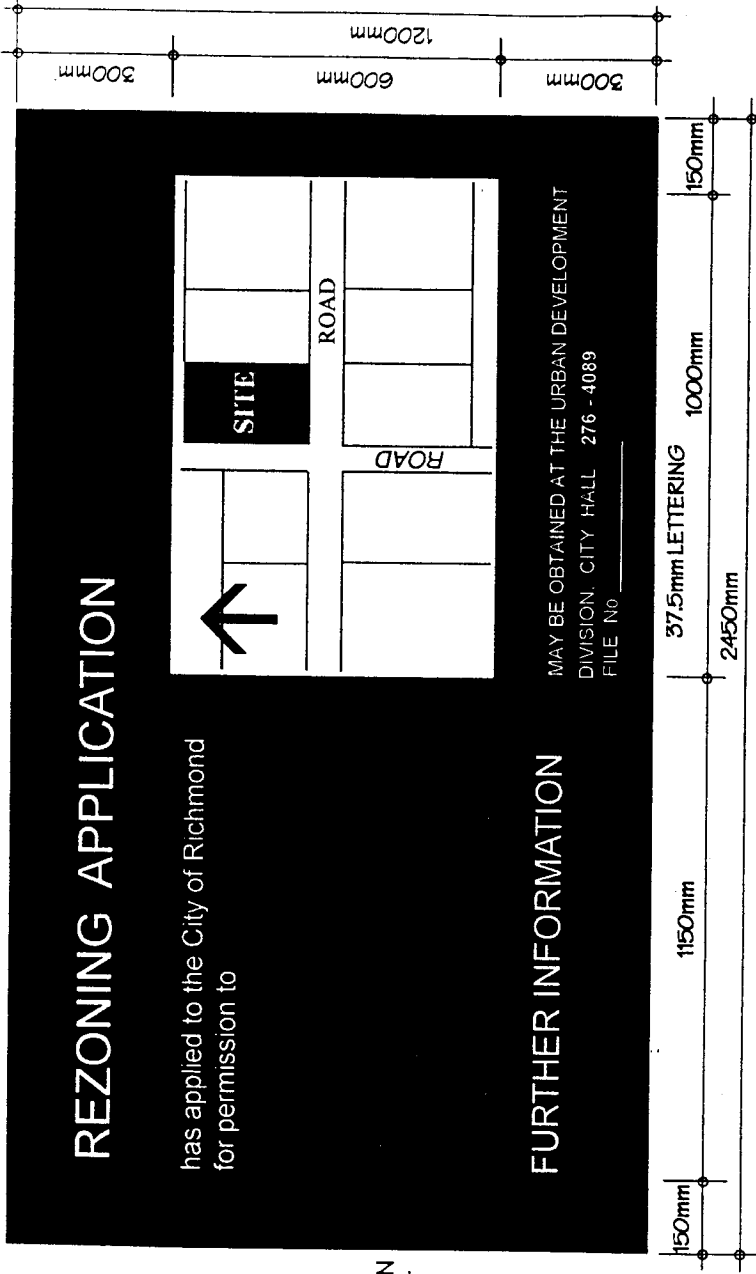
If you are unable to attend the Development Permit Panel meeting, you may mail or otherwise deliver to the **City Clerk**, at the above address, a written submission, which will be entered into the meeting record if it is received **prior to or at the meeting on the above date**.

To obtain further information on this application, or to review supporting staff reports, **contact the Urban Development Division**, (276-4395), first floor, City Hall, between 8:15 a.m. and 5:00 p.m., Monday through Friday, except statutory holidays, between Thursday, October 11, 2001 and the date of the Development Permit Panel Meeting.

J. Richard McKenna
City Clerk

Schedule A to Division 700 Bylaw No. 5300

REZONING SIGN



100mm
LETTERING

NAME OF
APPLICANT

50mm
LETTERING

OUTLINE
DESCRIPTION
OF PROJECT

50mm
LETTERING

SPECIFICATIONS:

1. Red background (Warm Red) with white Helvetica Medium lettering.
 2. Site map will have white background with red lines.
 3. The map will show the project location, adjoining roads and properties, address and north arrow.
- All measurements in millimeters (mm) and a variance of up to 5% permitted in specified dimensions.

DPSIGNS.TM4

February 1996